

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Ronald Sutherland #96265

Plaintiff's Name and ID Number

4-19CV002160

Wise County Jail 200 Rook Ramsey
Decatur, TX 76234

Place of Confinement

CASE NO.

(Clerk will assign the number)

v.

JURY DEMAND

Sheriff, Lane Akin, 200 Rook Ramsey
Decatur, TX 76234

Defendant's Name and Address

LVN, Casey Sator, 200 Rook Ramsey
Decatur, TX 76234

Defendant's Name and Address

FNC, Sue Fleming, 200 Rook Ramsey
Decatur, TX 76234

Defendant's Name and Address

(DO NOT USE "ET AL.")

All officials in individual and official capacities,

INSTRUCTIONS - READ CAREFULLY

Jointly and severally.

NOTICE:

Pendent State Claims as well.

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.

2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.

3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)

4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS: *Sutherland does not have access to info.*

A. Have you filed any other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 2013

2. Parties to previous lawsuit:

Plaintiff(s) Sutherland

Defendant(s) Comm. Soc. Sec. Column

3. Court: (If federal, name the district; if state, name the county.) Ft Worth D.V. Dist Ct.

4. Cause number: LEXIS 2013 US Dist LEXIS

5. Name of judge to whom case was assigned: Meas

6. Disposition: (Was the case dismissed, appealed, still pending?) Judgment for Sutherland

7. Approximate date of disposition: 2015

II. PLACE OF PRESENT CONFINEMENT: Wise Co. Jail 200 Rook Ramsey
Decatur, TX 76234

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure?

X YES ___ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Ronald David Sutherland 96265
200 Rook Ramsey Dr., Decatur, TX
76234.

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Lane Akin, Sheriff Wise Co. 200 Rook Ramsey,
Decatur, TX 76234.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. Failure to
provide: ADA accommodations; medical care;
proper training; adequate food.

Defendant #2: LVN, Casey Saxton at Wise Co. Jail
200 Rook Ramsey, Decatur, TX 76234

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. Sexual
assault; failure to provide medical care for
serious medical issues; HIPAA violations

Defendant #3: FNC, Sue Fleming, Healthcare Provider
Wise Co. 200 Rook Ramsey, Decatur, TX 76234.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Failure to provide medical care for serious
medical issues.

Defendant #4: Dr. Charles Tibbels Healthcare Provider
Wise Co. 200 Rook Ramsey, Decatur, TX 76234

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Failure to provide medical care for serious medical
issues.

Defendant #5: Rick Penney, Wise Co. Jail Admin
200 Rook Ramsey, Decatur, TX 76234.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. Failure to
provide: ADA accommodations; medical care; proper
training; adequate food.

Defendant #6: Monica Daughtery Nurse Wise Co.
200 Rook Ramsey Decatur, TX 76234

Describe acts or omissions which you claimed harmed you: Failure to provide medical care for serious
medical needs; HIPAA violations.

Defendant #7: Dr. Shaw, Healthcare Provider
Tarrant Co. 1500 S. Main, Ft Worth, TX 76104
Describe act or omission of defendant that harmed you:
Failure to provide medical care for serious
medical issues.

Defendant #8: Officer Gay, Tarrant County
Tailer 100 N. Hamam Ft Worth, TX 76196
Describe act or omission of defendant that harmed you:

Inhumane conditions of confinement

Defendant #9: L/VN Levanha LNUK Tarrant
County Jail N. Main 1500 S. Main, Ft Worth, TX 76104
Describe act or omission of defendant that harmed you:
Inhumane conditions of confinement.

Defendant #10: Dr. Dickinson #PS 1500
S. Main Ft Worth, TX. 76104

Describe act or omission of defendant harmed you:
He did not perform the surgery necessary in
timely manner, delaying 5 days.

Defendant #11: John or Jane Doe, #PS
Hospital personnel 1500 S. Main Ft Worth, TX
Describe act or omission of defendant that harmed you:
Did not schedule MRI or surgery excessive
delay in light of emergent case need
for five days.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

1) Prior to arriving at Wise Co. Jail, Sutherland was treated by VT Southwestern and Baylor Hospitals, as well as Dr. Alex Amby for conditions that required surgery, i.e., type 4 Separated Shoulder; Spinal injuries; torn and subluxing tendons in rt. hand. was seen in same month as arrest by Dr. Amby and had referral appt. with Shoulder surgeon scheduled 05/21/18, 4 days after arrest. At last appt with PCP, Dr. Amby, weighed 236 Lbs.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Unspecified actual damages; compensatory damages; punitive damages. Nominal damages. Injunctive relief. Declaration of defendants violation the US Constitution.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Ronald or Ron Sutherland

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

BOP# 24921-077, TDCJ: 543587; 665770; 1650667.

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ☒ YES ☐ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): Fifth Circuit

2. Case number: No access to information

3. Approximate date sanctions were imposed: 1997 or 1998

4. Have the sanctions been lifted or otherwise satisfied? ☐ YES ☒ NO

3 Strikes

claims continued:

2) Upon arrival at Wise County Jail Sutherland began requesting medical treatment. LVN Saxtor answered requests by stating ~~the~~ records had been sent for. Family brought meds with Dr. Amby's name address on them. Sutherland's condition was serious and 3 different surgeries were needed. He was unable to walk for any distance and lost feeling in lower extremities. Every week, for five weeks, he was told records were sent for, by Nurse Daughtery and Saxtor, no treatment.

3) Saxtor began to sexually harass Sutherland by brushing his penis and attempting to fondle him. Finally, Sutherland filed a grievance after five weeks. Sutherland was seen by FNC Fleming and Nurse Saxtor. He stated he could not feel his legs and walking was difficult. FNC Fleming never asked Sutherland to remove his shirt or pants. She ordered no diagnostic imaging. She simulated a neuro exam. When Sutherland displayed no reflexes she became agitated and grabbed

his foot and made a knee jerk. She also said Sutherland walked to the apt so he must be okay and should be able to heel/toe walk. Sutherland could not. Sutherland was a judgment in this very court concerning disability issue S. Sutherland v. Colvin, 2013 US Dist LEXIS 143068/139078. His medical records up to that date ~~are~~ on file in this court. Sutherland requests this court take Judicial Notice. It is well documented that even before the accident Sutherland had little to no knee jerk on left, or nothing below ankle.

4) At the encounter with FNC Fleming, Nurse Sartor claims she cannot find the Dr. Ambey at 6363 E. Mockingbird, Dallas, TX 75214, which she is has been giving Sutherland his meds from bottles with his name on them.

5) Two days after the failure to treat Sutherland by Fleming and Sartor, he lost all feeling in his legs because of severely compressed nerves and fell injuring his

head and hand. He was unconscious on the floor when officers arrived. Sutherland was transported to The Hospital, Wise Co. Regional and then by ambulance to John Peters Smith Hospital, (JPS)

5) At JPS Hospital Sutherland languished away at (actually) in the emergency room for 4 days and 5 nights, virtually forgotten. The morning of the 5th day emergent surgery was performed after the MRI that was delayed for 5 x 24 hours revealed severely compressed nerves at L4-L5. Dr. Dickinson or Dickson performed the surgery that was delayed, ~~but~~ indicated, upon Sutherland's arrival at JPS.

6) upon return to Wise Co. Jail Sutherland was required to change his own bandages ~~on~~ several occasions and at times had to lay in blood and fluids that nurses Saffar and Daugherty ignored. He developed an infection that was finally addressed by Dr. Dickson on JPS follow up, which FNC

J.C

Fleming never once looked at, Sactor and Daughtery merely ignored all signs of infection. No accommodation were made for Sutherland, i.e., no cane or walker or wheel chair; no extra mattresses or blankets. NOTHING to accommodate the obvious need not to lay on a steel bunk with only 2 inches of foam with 10 inch wound on back and C-Spine Steroids. Dr Shaw ordered these accommodation upon arrival at Tarrant County Jail.

7) Dr. Charles Tibbels saw Sutherland. He did not get out of his chair. No: BP; Temp; pulse. He did no exam whatsoever; He did not look at shoulder, back, or hands. No looking at ears; nose; or throat or eyes. Nothing. He made a recommendation that shoulder surgery would have to wait as did FNC Fleming w/o exam also. Tibbels did this on two occasions. Did not even give the pretense of exam.

8) On or about 10/29/19 Sutherland was transported to Tarrant County Jail. He was seen by Doctor Shaw.

#1 - D

Sutherland lost 35 lbs in 2 1/2 months but Dr. Tibbels stated w/o any exam this was okay. No tests or exam was warranted. Dr. Shaw ordered Shower with rails and seat; and toilet with rails; cane; 2 blankets; 2 mattresses. He also referred Sutherland to Ortho for Shoulder. He was seen by Dr. Paffl who stated the extreme delay in treating the Shoulder would mean repair would be difficult, if it did not fail. Surgery was ordered. Dr. Shaw failed to follow through with those orders by an ortho specialist.

9) The food portions at Wise County Jail are inadequate and the meals are not served hot. This has caused Sutherland to lose weight in an extreme fashion while unable to exercise there is no reason for such.

10) Sutherland has received no treatment whatsoever and he was transferred back to Wise County Jail on 2/8/19. To the date of filing he has seen no medical personnel for any exam or treatment at all at Wise Co. Jail.

H - E

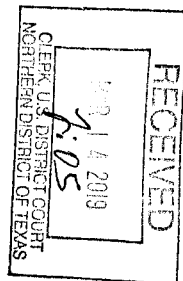
11) Sutherland was moved to LANE Evans 74 A #2 on 12/22/18, by Officer Gay. Nurse Levaria LNUK on duty. At 18:00 to 22:00 Sutherland was in deplorable inhumane conditions that continued for days. The smell of feces all over the walls and around the toilet was so bad officers put blankets in front of door to contain smell. Bloody bandages; feces; decaying food and trash all over the cell. No living creature should be housed in such an environment. This is documented on cameras that were in cell and outside cells.

12) Sutherland still needs surgery on right hand and left shoulder. Both ordered by numerous specialists. Sutherland now walks with a cane and has pain and more loss of feeling bilaterally in lower extremities as result of the deliberate indifference to serious medical needs. This failure to treat a serious medical need continues. ADA and HTPAA violations of disclosure of medical records by named defendants also.

J - F

- 13) Sleep deprivation is practiced at Wise County Jail. The bright fluorescent lights are turned on 19-20 hours a day, weekdays and 21-22 hours a day on weekends, which makes sleep impossible.
- 14) In August Sutherland was placed in a cell that Officer Tucker measured the temperature in at 62-64 degrees, 24-7.
- 15) Although Physical Therapy (PT) was ordered by Ortho, Sutherland was not given PT because of cost considerations. He was instead given parts of a book, "Heal Your Own Back." Many of the exercises were contraindicated by the recommendations in the book itself.

Ronald Sutherland #96265
800 Rock Rammed
Decorative TX 76234



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Ft Worth TX 76102



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